

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO. 1499

**AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1386, BEING: “AN ORDINANCE AMENDING TOWN ORDINANCE NO 1057: BEING AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1047, BEING: ‘AN ORDINANCE AMENDING THE FEES TO BE CHARGED FOR REFUSE AND RECYCLABLES IN THE TOWN OF CEDAR LAKE, AND REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH’, REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH, ALL MATTERS RELATED HERETO”, REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED HERETO.**

**WHEREAS**, the Town Council of the Town of Cedar Lake, Lake County, Indiana, (hereinafter, the “Town Council”) has previously adopted Town Ordinance No. 1008 regulating the sanitary disposition to be made of garbage, refuse and recyclables in the Town, establishing fees to be charged and collected from the owners of property from whom such garbage, refuse and recyclables is collected, establishing a Garbage/Solid Waste Disposal Fund for the purposes of proper collection and distribution of fees collected for garbage, refuse and recyclable services provided by the Town, and all related matters, which Ordinance was duly passed and adopted June 5, 2007; and

**WHEREAS**, the Town Council thereafter, on February 3, 2009, amended said Ordinance No. 1008 by passage and adoption of Town Ordinance No. 1047 pertaining to the schedules of fees to be charged and collected from the owners of property from whom garbage, refuse and recyclables is collected, increasing said fees due to the increase in costs of services for same; and

**WHEREAS**, the Town Council thereafter, on July 21, 2009, amended said Ordinance No. 1047 by passage and adoption of Town Ordinance No. 1057 pertaining to the schedules of fees to be charged and collected from the owners of property from whom garbage, refuse and recyclables is collected, increasing said fees due to the increase in costs of services for same; and

**WHEREAS**, the Town Council has been required to negotiate and extend its contract for the collection of garbage, refuse and recyclables from the owners of property in the Town due to contract term expiration, and the resultant increase in such costs for continued services; and

**WHEREAS**, the Town Council has further determined that it is necessary to amend the schedule of fees to be charged for the collection of refuse and recyclables in the Town since the funds presently collected are insufficient to cover the costs of the services, and as a consequence, the Garbage/Solid Waste Disposal Fund is operating at a deficit, requiring an increase being necessary to be collected from the owners of property to whom such garbage, refuse and recyclables is collected in the Town; and

**WHEREAS**, the Town Council thereafter, on June 15<sup>th</sup>, 2021, amended said Ordinance No. 1057 by passage and adoption of Town Ordinance No. 1386 pertaining to the schedule of fees to be charged and collected from the owners of property from whom garbage, refuse and recyclables is collected, increasing said fees due to the increase in costs of services for same; and

**WHEREAS**, the Town Council has held a public hearing, duly advertised and noticed in conformance with applicable law, on the 20<sup>th</sup> day of August, 2024, to consider the amendment of the schedule of fees for the collection of garbage, refuse, and recyclables from the owners of property to whom such garbage, refuse and recyclables is collected in the Town; and

**WHEREAS**, the Town Council based upon the foregoing, and being fully advised, now deems it necessary and required to amend its present Ordinance to increase the schedule of fees to be charged and collected from the owners of property from whom garbage, refuse and recyclables is collected in the Town by the amount of \_\_\_\_\_ and 00/100 Dollars (\$\_\_\_\_\_) from the owner of each lot, parcel or real property or buildings served in the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That **SECTION ONE** of Town Ordinance No. 1047, which amended Town Ordinance No. 1008, which amended Town Ordinance No. 954, be, and the same is hereby amended to read and provide as follows:

**SECTION ONE:** For the use of and the garbage, refuse and recyclable sanitary collection and disposal service to be rendered, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or dwelling unit that is, or will be, provided such service. An owner is identified as the holder of fee simple title interest in and to a lot or a parcel of real property upon which dwelling or dwelling units are situated. The owner of each such lot or parcel of real estate upon which is situated a dwelling or dwelling unit shall pay a fee of \_\_\_\_\_ and 00/100 Dollars (\$\_\_\_\_\_) per month for each dwelling or dwelling unit to which sanitary garbage, refuse, and recyclable collection and disposal service is provided. Owners are liable for payment as required herein. The individual garbage collection fee shall be billed with the wastewater utility billing of the Town on a monthly basis. Said billing shall be issued by the Town on or about the first day of each month. All rates and charges billed by the Wastewater Utility Billing Department of the Town, including for garbage collection fees imposed hereby, shall be paid by no later than the 20<sup>th</sup> day of each month. In the event such billing is not paid on or before the 20<sup>th</sup> day of each month, then a Ten percent (10%) penalty shall be imposed. For the purposes of computing time, and particularly for assessment of the Ten Percent (10%) penalty, the 20<sup>th</sup> day of each month is the last day in which payment of billing without imposition of the Ten Percent (10%) penalty may be made. After the 20<sup>th</sup> day of each month, the Ten Percent (10%) penalty on each such billing shall be assessed and collected. In the event that the 20<sup>th</sup> day of the month is a Saturday, Sunday or legal holiday as defined in the Town Code, or a day in which the business office of the Cedar Lake Sewer Utility is closed, the next day shall be the last day in which payment of the monthly billing may be made, and the day after such time is the time when imposition of the Ten Percent (10%) penalty shall be imposed.

In the further event of necessity of pursuit of delinquent or late fees in a civil action, reasonable attorney's fee may be imposed and required pursuant to the provisions of Indiana Code 36-9-30-21, as amended from time to time."

**SECTION TWO:** That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION THREE:** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

**SECTION FOUR:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of Cedar Lake, and publication in conformance with applicable law.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS \_\_\_\_ DAY OF AUGUST, 2024.**

**TOWN OF CEDAR LAKE, LAKE COUNTY,  
INDIANA, TOWN COUNCIL**

\_\_\_\_\_  
Nick Recupito, President

\_\_\_\_\_  
Greg Parker, Vice-President

\_\_\_\_\_  
Robert H. Carnahan, Council Member

\_\_\_\_\_  
Julie A. Rivera, Council Member

\_\_\_\_\_  
Mary Joan Dickson, Council Member

\_\_\_\_\_  
Richard C. Thiel Jr., Council Member

ATTEST:

\_\_\_\_\_  
Chuck Becker, Council Member

\_\_\_\_\_  
Jennifer N. Sandberg, IAMC, CMC, CPFIM  
Clerk-Treasurer

# TOWN OF CEDAR LAKE

Cedar Lake, Indiana

## Calculation of Potential Trash Rate Increases

Line No.					
1	Republic (6,082 customers x current rate of \$20.75 x 12 months)	\$ 1,514,418.00			
2	Billing/Postage (Total Costs x Trash % Billed to total billed)	8,910.51			
3	Financial/Accounting (Total Costs x Trash % Billed to total billed)	4,719.60			
4	IT (Total Costs x Trash % Billed to total billed)	1,096.51			
5	Utility Costs (Total Costs x Trash % Billed to total billed)	680.11			
6	Deputy Clerk Billing Payroll (Total Costs x Trash % Billed to total billed)	11,433.28			
7	Annual Operating Expenses needing to be provided for through rates	\$ 1,541,258.00			
8	One Third of current shortfall in Operating Fund Reserve Balance	18,041.28			
9	Required Annual Revenues	\$ 1,559,299.29			
10	Divide by: Annual Number of Customers	72,984			
11	Monthly Trash Charge current through May 31, 2025	\$ 21.36	Rate A		
12	Monthly Trash Charge current through May 31, 2025 without one third of current shortfall in Operating Fund Reserve Balance	\$ 21.12	Rate B		
13	Monthly Trash Charge current through May 31, 2025 <span style="float: right;">Actual Republic Charge Only</span>	\$ 20.75	Rate C		
14	Current Cedar Lake Monthly Charge		\$20.00	\$20.00	\$20.00
15			<u>Rate A</u>	<u>Rate B</u>	<u>Rate C</u>
16	<u>Applicable Period</u>				Republic Charge to Cedar Lake
17	August 1, 2024 - May 31, 2025		\$21.36	\$21.12	\$20.75
18	June 1, 2025 - May 31, 2026		\$22.21	\$21.96	\$21.58
19	June 1, 2026 - May 31, 2027		\$23.10	\$22.84	\$22.44
20			<u>% Increase on Previous Period Rate</u>		
21	August 1, 2024 - May 31, 2025		6.80%	5.60%	3.75%
22	June 1, 2025 - May 31, 2026		4.00%	4.00%	4.00%
23	June 1, 2026 - May 31, 2027		3.99%	3.99%	3.99%

Prepared By: Sue Haase  
July 2, 2024

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**October 1, 2024**

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ALL TOWN FUNDS \$351,771.72

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WASTEWATER OPERATING \$12,626.55

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WATER UTILITY \$47,582.33

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STORM WATER \$172.72

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PAYROLL 9/26/24 \$277,802.17

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**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**

**RESOLUTION NO. 1359**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE,  
LAKE COUNTY, INDIANA, AMENDING THE AMERICAN RESCUE PLAN ACT  
PLAN, AND ALL MATTERS RELATED THERETO**

**WHEREAS**, the Town Council (the “Town Council”) of the Town of Cedar Lake, Lake County, Indiana (the “Town”), has reviewed and considered identifying certain projects described in greater detail in the Town of Cedar Lake, Lake County, Indiana American Rescue Plan Act Plan for 2022-2023 (the “ARPA Plan”) which was approved by the Town Council at its March 15, 2022 meeting, which ARPA Plan may be amended from time to time by the Town Council after its approval (such projects as are included in the ARPA Plan as approved by the Town Council, and as the same is amended from time to time, collectively, the “Project”); and

**WHEREAS**, the Town has previously created and established the Town of Cedar Lake ARP Coronavirus Local Fiscal Recovery Fund (Fund Number 176) (the “Fund”), into which certain grants received, or to be received, from the Federal government pursuant to Section 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (the “ARPA”) have been or will be deposited, for the purpose of paying certain costs incurred by the Town prior to December 31, 2024, as permitted by ARPA and the regulations thereunder, and in accordance with the Town’s ARPA Plan, as approved by the Town Council, and as amended from time to time; and

**WHEREAS**, the Town Council has previously adopted its Resolution No. 1314 on August 2, 2022 amending the ARPA Plan; and

**WHEREAS**, the Town Council now desires to further amend the Town’s ARPA Plan to identify additional projects comprising a portion of the Project;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That the Town Council hereby further amends the ARPA Plan of the Town to conform to the proposed plan attached hereto and included herein as Exhibit A.

**SECTION TWO:** That this Resolution shall take effect, and be in full force and effect, from and after its passage and approval by the Town Council of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law.

**ALL OF WHICH IS PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, TOWN COUNCIL**

\_\_\_\_\_  
Nick Recupito, President

\_\_\_\_\_  
Greg Parker, Vice-President

\_\_\_\_\_  
Robert H. Carnahan, Member

\_\_\_\_\_  
Julie A. Rivera, Member

\_\_\_\_\_  
Chuck Becker, Member

\_\_\_\_\_  
Mary Joan Dickson, Member

\_\_\_\_\_  
Richard Thiel, Member

**ATTEST:**

\_\_\_\_\_  
Jennifer N. Sandberg, IAMC, CMC, CPFIM,  
Clerk-Treasurer

Exhibit A

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**

**AMERICAN RESCUE PLAN ACT**

**PLAN FOR 2024**

**ADOPTED AS OF \_\_\_\_\_, 2024**



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## Overview of Funding

### **American Rescue Plan Act & Coronavirus State and Local Fiscal Recovery Fund**

On March 11, 2021, President Joe Biden signed the American Rescue Plan Act (“ARPA”) into law. Among its many provisions intended to address the COVID-19 pandemic, the ARPA included an amendment to the Social Security Act (“SSA”) adding Section 602 and Section 603 of the SSA establishing the Coronavirus Local Fiscal Recovery Fund (“FRF”), intended to provide local governments with funds to respond to the impact of COVID-19. On December 29, 2022 the Consolidated Appropriations Act, 2023 (“2023 CAA”) further amended Section 602 and Section 603 of the SSA to expand the eligible uses of funds provided to local governments from the FRF. The FRF funds may be used by recipients, including non-entitlement units of local government, for the following four purposes:

1. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
2. To respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers;
3. For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
4. To make necessary investments in water, sewer, or broadband infrastructure.
5. To provide emergency relief from physical and economic impacts of natural disasters; and
6. To make investments in surface transportation infrastructure projects eligible for Federal funding under certain United States Department of Transportation programs or under Title I of the Community Development Act of 1974.

On January 6, 2022, the United States Department of the Treasury (“Treasury”) issued a Final Rule (“Final Rule”), providing guidance and clarifying the nature and scope of expenses eligible for payment using FRF funds. On September 20, 2023 the Treasury issued an Interim Final Rule (“2023 IFR”), providing guidance and clarifying the nature and scope of expenses eligible for payment using FRF funds in light of the amendments to the SSA set forth in the 2023 CAA. On November 20, 2023 Treasury issued its Obligation Interim Final Rule (the “OIFR”) providing guidance regarding appropriate procedures for obligating FRF funds to eligible expenditures (the “Final Rule, 2023 IFR, and OIFR collectively, the “Rule”).

### **Town of Cedar Lake’s Allocated Funding**

Congress allocated FRF funds under the ARPA to the several states to distribute to eligible non-entitlement units of local government based on each non-entitlement unit of local government’s population share of the total population of all non-entitlement units of local government in the state. The Town of Cedar Lake, Lake County, Indiana (the “Town”) is a non-entitlement unit of local government for purposes of the FRF. In sum, the FRF provided \$19.53 billion to states for non-entitlement units of local government. The Town has been allocated \$2,987,625.34 in FRF funds.

## **Town of Cedar Lake ARPA Plan**

In accordance with guidance issued by the Indiana State Board of Accounts, the Town has adopted this plan outlining the intended uses, amounts, and justifications for its FRF expenditures. This plan describes how the Town will spend the funds. These numbers are estimates for each category. They may change based on need, COVID conditions and or bids/quotes that come in higher or lower. Likewise, projects may be added and or removed. This plan is to layout a roadmap for the Town Government to utilize these dollars to have the greatest overall impact on Cedar Lake. Input for this plan has been received from community members, business leaders, department heads and elected officials.

Summary of Proposed Uses of Funding

The Town plans to use its FRF funds in the below amounts and permitted eligible use categories, further detailed in the following pages of this plan:

<b>Category</b>	<b>Amount</b>
Responding to the COVID-19 public health emergency and its negative economic impacts	<b>None as of _____, 2022</b>
Providing premium pay to eligible workers	<b>None as of _____, 2022</b>
Provision of government services to extent of reduction in revenue	<b>\$2,987,625.34</b>
Water, sewer and broadband infrastructure development	<b>None as of _____, 2022</b>

Town of Cedar Lake, Lake County, Indiana ARPA Funding Plan for 2022-2023

**A. Proposed Actions to Provide Government Services**

**1. Water Infrastructure Projects**

**Proposed Action:** The Town plans to provide for the replacement of approximately 8,500 linear feet of 6-inch and 8-in water main in the Utopia Subdivision located in the Town.

**Estimated cost: \$2,659,341.83**

**Justification:** Pursuant to the Final Rule, recipients of FRF funds are permitted to make a one-time election to be treated as having experienced \$10,000,000 or the full amount of the recipient’s FRF award, whichever is less, as “revenue loss,” meaning, the recipient may expend up to \$10,000,000 or the full amount of the recipient’s FRF award on “the provision of government services.”<sup>1</sup> Any use identified as an eligible use under the Final Rule regardless of category of eligible use in the Final Rule is eligible under the “revenue loss” category as the “provision of government services.”<sup>2</sup> The above referenced project would be eligible under the sewer, water, and broadband infrastructure eligible use category for FRF funds as the Final Rule implementing the FRF provides that necessary, and therefore eligible, investments in water infrastructure include those projects which would be eligible to receive financial assistance under the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF) administered by the Environmental Protection Agency (EPA).<sup>3</sup> Distribution infrastructure in the Utopia Subdivision has reached its end of service life and is experiencing frequent failures, the replacement of service lines is a project that would be eligible for DWSRF financial assistance.<sup>4</sup>

**2. Cedar Lake Dredging Stage 2 Project**

**Proposed Action:** The Town plans to provide for necessary dredging work in Cedar Lake within the Town.

**Estimated cost: \$61,000.01**

**Justification:** Pursuant to the Final Rule, recipients of FRF funds are permitted to make a one-time election to be treated as having experienced \$10,000,000 or the full amount of the recipient’s FRF award, whichever is less, as “revenue loss,” meaning, the recipient may expend up to \$10,000,000 or the full amount of the recipient’s FRF award on “the provision of government services.”<sup>5</sup> Generally any service ordinarily provided by the Town is an eligible use within the “revenue loss” category<sup>6</sup> including necessary work on public waterways such as Cedar Lake.

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<sup>1</sup> 31 C.F.R. 35.6(d)(1) (2022); 87 Fed. Reg. 18, 4402-4403, 4408 (January 27, 2022) (to be codified at 31 C.F.R. pt. 35).

<sup>2</sup> U.S. DEPT. OF TREAS., CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FINAL RULE: FREQUENTLY ASKED QUESTIONS (2024)

<sup>3</sup> 87 Fed. Reg., 4409 (January 27, 2022).

<sup>4</sup> Drinking Water State Revolving Fund Eligibility Handbook 10 (2017) [https://www.epa.gov/sites/default/files/2019-10/documents/dwsrf\\_eligibility\\_handbook\\_june\\_13\\_2017\\_updated\\_508\\_version1.pdf](https://www.epa.gov/sites/default/files/2019-10/documents/dwsrf_eligibility_handbook_june_13_2017_updated_508_version1.pdf).

<sup>5</sup> 31 C.F.R. 35.6(d)(1) (2022); 87 Fed. Reg. 18, 4402-4403, 4408 (January 27, 2022) (to be codified at 31 C.F.R. pt. 35).

<sup>6</sup> U.S. DEPT. OF TREAS., CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FINAL RULE: FREQUENTLY ASKED QUESTIONS (2024)

### 3. Morse Street Water Main Extension Project

**Proposed Action:** The Town plans to provide for the extension of water main infrastructure on or related to Morse Street within the Town.

**Estimated cost: \$267,283.50**

**Justification:** Pursuant to the Final Rule, recipients of FRF funds are permitted to make a one-time election to be treated as having experienced \$10,000,000 or the full amount of the recipient's FRF award, whichever is less, as "revenue loss," meaning, the recipient may expend up to \$10,000,000 or the full amount of the recipient's FRF award on "the provision of government services."<sup>7</sup> Generally any service ordinarily provided by the Town is an eligible use within the "revenue loss" category<sup>8</sup> including the development of public infrastructure such as the extension of a water main.

DMS 44589656.1

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<sup>7</sup> 31 C.F.R. 35.6(d)(1) (2022); 87 Fed. Reg. 18, 4402-4403, 4408 (January 27, 2022) (to be codified at 31 C.F.R. pt. 35).

<sup>8</sup> U.S. DEPT. OF TREAS., CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FINAL RULE: FREQUENTLY ASKED QUESTIONS (2024)



September 27, 2024

To: Cedar Lake Town Council  
7408 Constitution Avenue  
Cedar Lake, IN 46303

From: Cedar Lake Board of Safety  
Cedar Lake, IN 46303

**Re: Approval for Promotion – Fire Department**

Dear Cedar Lake Town Council:

At the September 25, 2024 Cedar Lake Board of Safety meeting, the Board discussed their support of the promotion of [REDACTED] to the rank of Captain FF/Paramedic.

The Cedar Lake Board of Safety made the motion and voted 5 to 0 to send a Favorable Recommendation to the Cedar Lake Town Council to approve the promotion of [REDACTED] to Captain FF/Paramedic.

Please consider this at your next Town Council meeting for approval. If you have any questions, please let me know.

Sincerely,

[REDACTED]



September 27, 2024

To: Cedar Lake Town Council  
7408 Constitution Avenue  
Cedar Lake, IN 46303

From: Cedar Lake Board of Safety  
Cedar Lake, IN 46303

**Re: Approval to Hire – Fire Department**

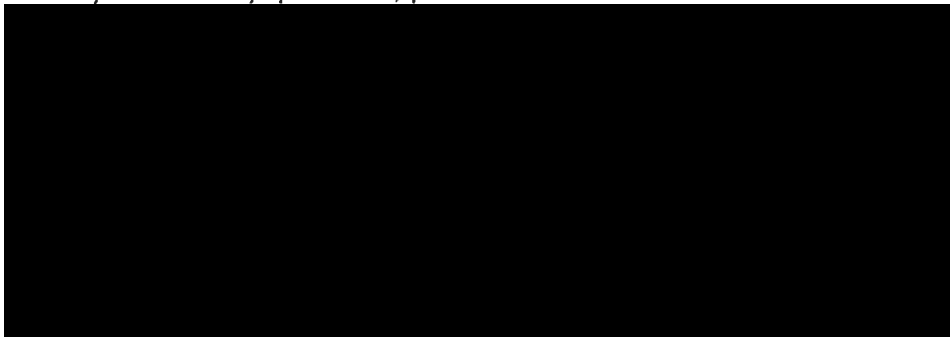
Dear Cedar Lake Town Council:

At the September 25, 2024 Cedar Lake Board of Safety meeting, the Board discussed their support of the hiring of the following individuals to the Cedar Lake Fire Department.

- a. Michael Gagliardi is recommended to be hired Full-Time as well as Part-Time while completing the PERF process.
- b. Mark Whitlock, Anthony Elkmann, Jenna Nelson, and Katherine Knauerhaze are recommended to be hired Part-Time.
- c. Stephen Williams is recommended to be hired as a Volunteer.

The Cedar Lake Board of Safety passed the motion and voted 5 to 0, to hire the above-named individuals to the department.

If you have any questions, please let me know.





**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
TOWN COUNCIL/UTILITY BOARD**

**RESOLUTION NO: 1348**

**A RESOLUTION OF THE TOWN COUNCIL AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, DECLARING A MORATORIUM ON CERTAIN LAND DEVELOPMENT IN THE TOWN, AND ALL MATTERS RELATED THERETO.**

**WHEREAS**, the Town of Cedar Lake, Lake County, Indiana (hereinafter, "the Town"), is a Municipal Corporation and unit of local government located in Lake County, Indiana; and

**WHEREAS**, the Town is governed by a duly elected legislative and fiscal body commonly known as the Town Council (hereinafter, the "Town Council"); and

**WHEREAS**, the Town Council is the duly authorized legislative body establishing a Plan Commission (hereinafter, the "Plan Commission"), under the provisions of I.C. § 36-7-4, et seq., as set forth in the Advisory Planning Commission terms of said statute; and

**WHEREAS**, the Town Council, by virtue of its authority under I.C. § 36-7-4, et seq., has established an Advisory Plan Commission body for the purposes of said statute, namely, planning and zoning, including zoning, subdivision control, zoning district zoning map and zoning text amendment jurisdiction; and

**WHEREAS**, the Town Council is vested with the statutory authority under I.C. § 36-7-4 to establish, pursuant to prescribed procedures, the Town Comprehensive Master Plan, Town Zoning Ordinance, inclusive of all sub-parts and authority, as well as the Town Subdivision Control Ordinance, all with the advisory input of each body, and which are mandatory requirements for development approval under applicable law; and

**WHEREAS**, the Town Council is also vested with statutory authority under applicable Indiana Code terms and provisions to establish and operate municipal utility functions in the Town, as well as in any duly authorized extra-jurisdictional territory; further, that under said authority, in order to operate and manage its established municipal utilities, the Town Council has established by appropriate enabling legislation, a Town Utility Board for such purposes; and

**WHEREAS**, the Town Council and Utility Board have been duly established as described hereinabove, and are engaged in the operation and management of the Town Municipal Utilities; further, that the Town Council and Utility Board are presently comprised of the same members, namely, the duly elected Members of the Town Council are appointed to sit and serve as the jurisdictional Utility Board of the Town with authority over Municipal Utilities as described; and

**WHEREAS**, the Town Council and Utility Board have recently changed, following Municipal elections held in calendar year 2023, for Councilmanic seats on the Cedar Lake Town Council; that as a consequence of the 2023 Municipal election results and Councilmanic seat changes, transition in the governance of the Town has occurred and commenced; and

**WHEREAS**, the Town Council and Utility Board have been informed and advised, from general information and summary reports, that the development of certain land and parcels in the Town by large parcel commercial and residential developer entities has been expanding at a pace appearing to be occurring

in a volume and result exceeding the capacity of the Town, its finances, and its Municipal Utilities for provision of appropriate services; and

**WHEREAS**, the Town Council and Utility Board, as well as the Plan Commission, and each of them, have been informed and advised that significant substantial issues and circumstances exist which impact continued responsible land development in the Town under such circumstances, and particularly without having such information that will permit approving certain land development in the Town without such correct and accurate information for areas being reviewed for Land Use Approval purposes, and all related matters; and

**WHEREAS**, the Town Council and Utility Board, as well as the Plan Commission, and each of them, have determined at this time, that insufficient information and documentation is in place for permitting certain land development in the Town, namely, large volume commercial and residential developers with large acreage parcels, pending review, analysis, and understanding of the circumstances of the Town Municipal Utilities, including, wastewater, water, and stormwater, as well as financial conditions, financing, accounts, account balances, debt service, Town responsibilities regarding same, and related, and as a consequence, now determines that it is just, proper, and in the best interests of the Town, its citizens, ratepayers, and utility customers, as well as all residents, that a Moratorium on certain land development in the Town, namely, large volume commercial and residential developers with Land-use Development Proposals in excess of one (1) acre, be declared, and that all necessary review, examination, and due diligence, be commenced and undertaken at the earliest opportunity for the information needed as described above.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS, NAMELY:**

**SECTION ONE:** That the Town Council and Utility Board of the Town of Cedar Lake, Lake County, Indiana, and each of them, hereby declare a Land-Use Approval and Processing Development Moratorium on all parcels of land in the Town to be developed upon Application from Commercial Developer Applicants on parcels greater than one (1) acre in area unless expressly approved by Public Meeting action of the Town Council. This Moratorium shall cause all Permit Applicants for development, improvement, construction, and all other improvements on parcels of land in the Town to be held, and not processed, pending completion of due diligence for Town infrastructure services to be undertaken immediately by the Town for Town Council, Town Utility Board, and Plan Commission use in appropriate decision making.

**SECTION TWO:** That the Town Council and Utility Board, and each of them, hereby notify the residents, ratepayers, and citizens of Cedar Lake of this declared Development Moratorium, noting that the Development Moratorium applies to large volume commercial and residential land developers of land in parcel acreage of one (1) acre or more. All other Applicants for Permits for construction, improvement, and development, on parcels less than one (1) acre shall not be subject of this declared Development Moratorium.

**SECTION THREE:** That the Development Moratorium declared hereby is established as a consequence of lack of verified and accurate information, documentation, or relevant materials to identify available and appropriate infrastructure for wastewater, water, and stormwater utility service availability, as well as financing and Town fund availability, for payment of expenses of the Town related to required development improvements, as well as the utilities and infrastructure related and connected to same.

**SECTION FOUR:** That the Development Moratorium declared hereby shall be only for the time period reasonably needed for the research and due diligence assessment referenced herein, and upon

assurance of adequacy in all aspects for resumption of large volume commercial and residential land development in the Town, as described herein.

**SECTION FIVE:** That all existing Resolutions, or parts thereof, in conflict with the provisions of this Development Moratorium Resolution are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION SIX:** That if any section, clause, provision, or portion of this Moratorium Resolution shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this approved Moratorium Resolution.

**SECTION SEVEN:** That this Moratorium Resolution shall take effect, and be in full force and effect, from and after its passage and approval by the Town Council and Utility Board of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law; further that this Moratorium Resolution shall be distributed to the Town Clerk-Treasurer, Planning and Building Department, Board of Zoning Appeals, and loaded onto the Cedar Lake Website for Cedar Lake Town news.

**ALL OF WHICH IS PASSED AND RESOLVED BY THE TOWN COUNCIL AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS 6 OF FEBRUARY, 2024.**

**TOWN OF CEDAR LAKE,  
LAKE COUNTY, INDIANA,**

**TOWN OF CEDAR LAKE,  
LAKE COUNTY, INDIANA,**

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
TOWN COUNCIL/UTILITY BOARD**

**RESOLUTION NO: 1349**

**AN AMENDATORY RESOLUTION OF THE TOWN COUNCIL  
AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE  
COUNTY, INDIANA, AMENDING TOWN RESOLUTION NO.:  
1348 DECLARING A MORATORIUM ON CERTAIN LAND  
DEVELOPMENT IN THE TOWN, AND ALL MATTERS RELATED  
THERE TO.**

**WHEREAS**, the Town Council and Town Utility Board, as described and defined in Town Council/Utility Board Resolution No. 1348, concur, and agree with the terms and provisions of Town Council/Utility Board Resolution No. 1348 whereby a Moratorium on certain land development in the Town was declared, among other matters; and

**WHEREAS**, based upon further review and assessment by the Town Council and Utility Board, and other available information and research, it has been determined that more clarity is needed for the Moratorium declared on said certain land development in the Town described by the terms and provisions of approved Resolution No. 1348; and

**WHEREAS**, the Town Council and Utility Board of the Town concur and agree that additional clarification will assist in identification of the terms and provisions of the Moratorium declared on certain land development, and particularly, as to process, procedures, and implementation; and

**WHEREAS**, the Town Council and Town Utility Board, and each of them, hereby ratify the terms and provisions of approved Town Resolution No. 1348, approved February 6, 2024, with the additional terms of clarification provided by this Town Resolution No. 1349 herein for understanding of procedures, process, and implementation; further, that the terms and provisions of this Amendatory Resolution No. 1349 are to supplement the provisions and mandates of Town Moratorium Declaration Resolution No. 1348, to the extent that same are not contradictory or inconsistent with terms of this Amendatory Resolution No. 1349, as set forth hereinafter; and

**WHEREAS**, the ratified provisions and terms of Town Moratorium Declaration Resolution No. 1348 are ratified consistent with terms and amendatory provisions of this Resolution No. 1349.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL/UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS, NAMELY:**

**SECTION ONE:** That **SECTION ONE** of Town Council/Utility Board Moratorium Declaration Resolution No. 1348, approved February 6, 2024, read and provide as set forth hereinafter, namely:

**“SECTION ONE:** That the Town Council and Utility Board of the Town of Cedar Lake, Lake County, Indiana, and each of them, hereby declare a Land-Use Approval and Processing Development Moratorium on all parcels of land in the Town to be developed upon Application from Commercial Developer Applicants on parcels greater than one (1) acre in area unless expressly approved by Public Meeting action of the Town Council. This Moratorium shall cause all Permit Applicants for development, improvement, construction,



and all other improvements on parcels of land in excess of one (1) acre in the Town to be held, and not processed, pending completion of due diligence for Town infrastructure services to be undertaken immediately by the Town for Town Council, Town Utility Board, and Plan Commission use in appropriate decision making. This Moratorium shall be construed to mean, and be interpreted to require withholding of all Applications for Development on Project parcels greater than one (1) acre unless said Applicant has applied for and been granted Primary Plat approval or more advanced Project Development Approval for such Project, including Planned Unit Development, or other Zone Map Amendatory Ordinance. It is the intention of the Town Council and Utility Board that such action is required and necessary for the due diligence and evaluation processes deemed in the best interests of the entire Town, including the Developer/Property Owners.”

**SECTION TWO:** That the terms and provisions in these covenants of this Amendatory Town Moratorium Declaration Resolution No. 1349 are hereby declared to be the policy and position of the Town regarding certain land development moratorium declaration actions, as set forth herein and noted in the highlighted provisions for amendment terms hereafter, during the pendency of the declared Moratorium; that a copy of the approved Resolution No. 1348 is attached to this Resolution 1349.

**SECTION THREE:** That the Development Moratorium declared hereby is established as a consequence of lack of verified and accurate information, documentation, or relevant materials to identify available and appropriate infrastructure for wastewater, water, and stormwater utility service availability, as well as financing and Town fund availability, for payment of expenses of the Town related to required development improvements, as well as the utilities and infrastructure related and connected to same.

**SECTION FOUR:** That the Development Moratorium declared hereby shall be only for the time period reasonably needed for the research and due diligence assessment referenced herein, and upon assurance of adequacy in all aspects for resumption of large volume commercial and residential land development in the Town, as described herein.

**SECTION FIVE:** That all existing Resolutions, or parts thereof, in conflict with the provisions of this Development Moratorium Resolution No. 1349, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION SIX:** That if any section, clause, provision, or portion of this Development Moratorium Resolution No. 1349 shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this approved Development Moratorium Resolution No. 1349.

**SECTION SEVEN:** That this Development Moratorium Resolution No. 1349 shall take effect, and be in full force and effect, from and after its passage and approval by the Town Council and Utility Board of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law; further that this Development Moratorium Resolution No. 1349 shall be distributed to the Town Clerk-Treasurer, Planning and Building Department, Board of Zoning Appeals, and Plan Commission, and loaded onto the Cedar Lake Website for Cedar Lake Town news.

ALL OF WHICH IS PASSED AND RESOLVED BY THE TOWN COUNCIL AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS 19 DAY OF MARCH, 2024.

TOWN OF CEDAR LAKE,  
LAKE COUNTY, INDIANA,  
TOWN COUNCIL

TOWN OF CEDAR LAKE,  
LAKE COUNTY, INDIANA,  
UTILITY BOARD

